

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
FEBRUARY 20, 2007
(8:00 A.M.)**

Proceedings of a special and regular meeting of the Board of County Commissioners of St. Johns County, Florida, held in the auditorium at the County Administration Building, 4020 Lewis Speedway and U.S. 1 North, St. Augustine, Florida.

Present were: Ben Rich, District 3, Chairman
Cyndi Stevenson, District 1
Ron Sanchez, District 2
James Bryant, District 5
Waldemar Kropacek, Interim County Administrator
Patrick McCormack, County Attorney
Lenora Newsome, Deputy Clerk

Also present: Cheryl Strickland, Clerk of Court

Commissioner Tom Manuel was not present.

Rich called the special meeting to order at 8:06 a.m.

(02/20/07 - 1 - 8:06 a.m.)

1. CLOSED SESSION - THIS IS A PRIVATE ATTORNEY/CLIENT MEETING OF THE BOARD OF COUNTY COMMISSIONERS HELD IN ACCORDANCE WITH SECTION 286.011(8), FLORIDA STATUTES. THE SPECIAL MEETING WILL BE CONFINED TO SETTLEMENT NEGOTIATIONS AND LITIGATION EXPENSE STRATEGY PERTAINING TO THE LAWSUIT BETWEEN CONCESSIONS, INC. AND ST. JOHNS COUNTY, CASE NO. CA99-892, IN THE CIRCUIT COURT, SEVENTH JUDICIAL CIRCUIT, IN AND FOR ST. JOHNS COUNTY. THE SPECIAL PRIVATE ATTORNEY/CLIENT MEETING WILL BE HELD IN CONFERENCE ROOM A, IN THE COUNTY ADMINISTRATION COMPLEX

McCormack informed the Board that he needed advice concerning the Concessions/St. Johns County lawsuit, Case No. CA99-892, and stated the names of the people who would be attending.

The special meeting recessed at 8:07 a.m., with the attendees moving to Conference Room A. The meeting reconvened at 9:00 a.m., with Rich instructing McCormack to continue negotiations. Rich adjourned the special meeting at 9:00 a.m.

(9:09 a.m.) Rich called the regular meeting to order. He stated that four commissioners were present, with Manuel joining the meeting and Stevenson absent.

(9:09 a.m.) Manuel gave the invocation and Rich led the Pledge of Allegiance.

Commissioner Stevenson entered the meeting at 9:11 a.m.

(02/20/07 - 1 - 9:10 a.m.)

SPECIAL RECOGNITION OF DONNA FALKE BY BOB PETERS, PERSONNEL SERVICES DIRECTOR

Bob Peters, Personnel Services Director, recognized Donna Falke, who was retiring. David Dinkins, Ag Extension Director, presented a special recognition to Donna Falke.

(02/20/07 - 2 - 9:17 a.m.)
PUBLIC COMMENT

Clara Cowan, 244 Patrick Mill Circle, spoke on the Nocatee DRI standards for landscaping and the new high school being built in the Ponte Vedra area.

(02/20/07 - 2 - 9:21 a.m.)
DELETIONS TO CONSENT AGENDA

There were no deletions to the consent agenda.

(02/20/07 - 2 - 9:22 a.m.)
APPROVAL OF CONSENT AGENDA

Motion by Sanchez, seconded by Manuel, carried 5/0, to approve the consent agenda as submitted, as follows:

1. Approval of the Cash Requirement Report
2. Minutes:
01/23/07 - BCC Regular Meeting
3. Sheriff's Office Bonds:
Approve: Charisse Clark
Cancel: Justine Zito Mack Mathis Charles Basting
Lori Basting Jack Kovalcik Benjamin Eason
Change Name: Jessica Gilyard to Jessica Hines
4. Motion to adopt **Resolution No. 2007-43**, an Agreement between the St. Johns County Board of County Commissioners and the St. Johns County Chamber of Commerce, Inc., and to authorize the County Administrator to execute the contract on behalf of the County

RESOLUTION NO. 2007-43

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT WITH THE ST. JOHNS COUNTY CHAMBER OF COMMERCE ON BEHALF OF ST. JOHNS COUNTY, AND PROVIDING FOR AN EFFECTIVE DATE

5. Motion to adopt **Resolution No. 2007-44**, changing the name of Championship Way to Club Service Road

RESOLUTION NO. 2007-44

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA CHANGING A ROAD NAME FROM CHAMPIONSHIP WAY TO CLUB SERVICE ROAD

6. Motion to adopt **Resolution No. 2007-45**, changing the name of TPC Drive to Championship Way

RESOLUTION NO. 2007-45

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA CHANGING A ROAD NAME FROM TPC DRIVE TO CHAMPIONSHIP WAY

7. Motion to adopt **Resolution No. 2007-46**, approving the terms, conditions, and requirements of Amendment No. 12 to the Community Based Care contract #DJ993 between St. Johns County, Florida and the State of Florida, Department of Children and Families; and authorizing the County Administrator to execute Contract Amendment No. 12 on behalf of the County

RESOLUTION NO. 2007-46

A RESOLUTION OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR TO SIGN THE TWELFTH AMENDMENT TO THE CONTRACT DJ993 BETWEEN ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS AND THE DEPARTMENT OF CHILDREN AND FAMILIES

8. Motion to adopt **Resolution No. 2007-47**, approving the terms, conditions, provisions, and requirements of a Non-Exclusive Franchise Agreement for Construction and Demolition Debris between St. Johns County, Florida, and Dylan's Dumpsters, Inc.; and authorizing the County Administrator to execute the Non-Exclusive Franchise Agreement for Construction and Demolition Debris on behalf of St. Johns County, Florida

RESOLUTION NO. 2007-47

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF A NON-EXCLUSIVE FRANCHISE AGREEMENT FOR CONSTRUCTION AND DEMOLITION DEBRIS BETWEEN ST. JOHNS COUNTY, FLORIDA, AND DYLAND'S DUMPSTERS, INC., AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AMENDMENT TO THE CONSTRUCTION AND DEMOLITION FRANCHISE AGREEMENT, ON BEHALF OF ST. JOHNS COUNTY

9. Motion to adopt **Resolution No. 2007-48**, approving the terms, conditions, provisions, and requirements of a Non-Exclusive Franchise Agreement for Construction and Demolition Debris between St. Johns County, Florida, and Ross & Logan Industries, Inc.; and authorizing the County Administrator to execute the Non-Exclusive Franchise Agreement for Construction and Demolition Debris on behalf of St. Johns County, Florida

RESOLUTION NO. 2007-48

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF A NON-EXCLUSIVE FRANCHISE AGREEMENT FOR CONSTRUCTION AND DEMOLITION DEBRIS BETWEEN ST. JOHNS COUNTY, FLORIDA, AND ROSS & LOGAN INDUSTRIES, INC., AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AMENDMENT TO THE CONSTRUCTION AND DEMOLITION FRANCHISE AGREEMENT, ON BEHALF OF ST. JOHNS COUNTY

10. Motion to authorize the County Administrator, or his designee, to enter into contract with Suwannee Environmental Construction, in accordance with Bid No. 07-20R, in the amount of \$137,000, for the purchase and installation of two hydro-pneumatic tanks
11. Motion to authorize the County Administrator, or his designee, to purchase three 2007 pickup trucks from Tropical Ford, in accordance with Bid No. 07-31, in the amount of \$48,738
12. Motion to authorize the County Administrator, or his designee, to negotiate with and enter into contract with RCC Consultants, Inc., for phase two of the 800 MHz Trunked Radio System Project in the amount of \$96,752
13. Motion to adopt **Resolution No. 2007-49**, approving a final plat for Estates of Tuscany, Phase 2A

RESOLUTION NO. 2007-49

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA APPROVING A SUBDIVISION PLAT FOR ESTATES OF TUSCANY, PHASE 2A

14. Motion to adopt **Resolution No. 2007-50**, approving a final plat for Estates of Tuscany, Phase 2A-1

RESOLUTION NO. 2007-50

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA APPROVING A SUBDIVISION PLAT FOR ESTATES OF TUSCANY, PHASE 2A-1

15. Motion to adopt **Resolution 2007-51**, approving a final plat for Aberdeen (Shetland Drive)

RESOLUTION NO. 2007-51

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA

**APPROVING A SUBDIVISION PLAT FOR ABERDEEN
(SHETLAND DRIVE)**

16. Motion to adopt **Resolution 2007-52**, approving a final plat for Coronado

RESOLUTION NO. 2007-52

**RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA
APPROVING A SUBDIVISION PLAT FOR CORONADO**

17. Motion to adopt **Resolution No. 2007-53**, approving the terms of a License Agreement authorizing the use of a portion of County owned property on Old Dixie Highway for overflow parking; and authorizing the Interim County Administrator to execute the agreement on behalf of the County

RESOLUTION NO. 2007-53

**A RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,
APPROVING THE TERMS OF A LICENSE AGREEMENT
AUTHORIZING USE OF A PORTION OF COUNTY
OWNED PROPERTY ON OLD DIXIE HIGHWAY FOR
OVERFLOW PARKING; AND AUTHORIZING THE
INTERIM COUNTY ADMINISTRATOR TO EXECUTE
THE AGREEMENT ON BEHALF OF THE COUNTY**

18. Motion to adopt **Resolution No. 2007-54**, authorizing the Clerk of Circuit Courts, under Section 95.361, Florida Statutes, to file a survey map for Pearl, Rodriquez, and Evergreen Streets, claiming a vested interest in the road described in the survey map, and/or establishing a prescriptive easement in the same rights-of-way, in accordance with the principles set forth in *Downing v. Bird*, 100 So.2d. 57 (Fla. 1958)

RESOLUTION NO. 2007-54

**A RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,
AUTHORIZING THE CLERK OF THE COURTS, UNDER
SECTION 95.361, FLORIDA STATUTES, TO FILE THE
SURVEY MAP FOR PEARL, RODRIQUEZ, AND
EVERGREEN STREETS, CLAIMING A VESTED
INTEREST IN THE ROAD DESCRIBED IN THE SURVEY
MAP, AND/OR ESTABLISHING A PRESCRIPTIVE
EASEMENT IN THE SAME RIGHTS-OF-WAY, IN
ACCORDANCE WITH THE PRINCIPLES SET FORTH IN
DOWNING V. BIRD, 100 SO.2D 57 (FLA.1958)**

19. Motion to adopt **Resolution No. 2007-55**, accepting a Warranty Deed; and authorizing the County Administrator to execute a Permissive Use Agreement from the St. Joe Company for property needed to construct a sidewalk along a part of Greenbriar Road

RESOLUTION NO. 2007-55

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A WARRANTY DEED; AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A PERMISSIVE USE AGREEMENT FROM THE ST. JOE COMPANY FOR PROPERTY NEEDED TO CONSTRUCT A SIDEWALK ALONG A PART OF GREENBRIAR ROAD

20. Motion to adopt **Resolution No. 2007-56**, approving the terms of, and authorizing the Chairman to execute, a Conservation Easement for over 2.56 acres and 5,600 sq. ft. of wetlands off Stratton Road to mitigate for wetland impacts associated with the construction of the Stratton Road Transfer Station

RESOLUTION NO. 2007-56

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE CHAIRMAN TO EXECUTE A CONSERVATION EASEMENT OVER 2.56 ACRES AND 5,600 SQ. FT. OF WETLANDS OFF STRATTON ROAD TO MITIGATE FOR WETLAND IMPACTS ASSOCIATED WITH THE CONSTRUCTION OF THE STRATTON ROAD TRANSFER STATION

21. Motion to adopt **Resolution No. 2007-57**, authorizing the acquisition of property that has been declared surplus by the Florida Department of Environmental Protection; and authorizing the Board Chairman to execute the Contract for Purchase and Sale

RESOLUTION NO. 2007-57

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE ACQUISITION OF PROPERTY THAT HAS BEEN DECLARED SURPLUS BY FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION; AND AUTHORIZING THE BOARD CHAIRMAN TO EXECUTE THE CONTRACT FOR PURCHASE AND SALE

22. Motion to adopt **Resolution No. 2007-58**, approving the terms, provisions, conditions, and requirements of an agreement between St. Johns County, Florida, and the Town of Hastings, Florida, for a Hazard Mitigation Grant Program project to retrofit the Hastings Community Building/Special Needs Shelter in Hastings, Florida; and authorizing the Chairman of the Board of County Commissioners to execute the agreement on behalf of St. Johns County

RESOLUTION NO. 2007-58

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF AN

AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND THE TOWN OF HASTINGS, FLORIDA, FOR A HAZARD MITIGATION GRANT PROGRAM PROJECT TO RETROFIT THE HASTINGS COMMUNITY BUILDING/SPECIAL NEEDS SHELTER IN HASTINGS, FLORIDA, AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS TO EXECUTE THE AGREEMENT ON BEHALF OF ST. JOHNS COUNTY

23. Motion to adopt **Resolution No. 2007-59**, implementing revised fees for services provided by a St. Johns County Department

RESOLUTION NO. 2007-59

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING AND AMENDING THE SCHEDULE OF FEES FOR ONE COUNTY DEPARTMENT, AND PROVIDING AN EFFECTIVE DATE

24. Motion to adopt **Resolution No. 2007-60**, adjusting the Transit System Fund revenue and expenditure budgets to account for unanticipated funds from Federal Transit Administration Grant FL-90-X603, in the amount of \$541,032 for fiscal year 2007

RESOLUTION NO. 2007-60

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2007 GENERAL FUND BUDGET TO RECEIVE UNANTICIPATED REVENUE AND AUTHORIZE ITS EXPENDITURE BY ST. JOHNS COUNTY

25. Motion to adopt **Resolution No. 2007-61**, adjusting the Transit System Fund revenue and expenditure budgets to account for unanticipated funds from Federal Transit Administration Grant FL-04-0019, in the amount of \$495,000 for fiscal year 2007

RESOLUTION NO. 2007-61

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2007 GENERAL FUND BUDGET TO RECEIVE UNANTICIPATED REVENUE AND AUTHORIZE ITS EXPENDITURE BY ST. JOHNS COUNTY

26. Proofs:
- a. Proof, Notice of Special Meeting, St. Johns County Board of County Commissioners, Wednesday, February 7, 2007 at 1:30 p.m.
 - b. Proof, Notice to Bidders, Bid No. 07-34
 - c. Proof, Notice to Bidders, Bid No. 07-65
 - d. Proof, Notice of Private Meeting, St. Johns County Board of County Commissioners, Tuesday, January 23, 2007 at 8:00 a.m. in Conference Room A

- e. Proof, Notice to Bidders, Bid No. 07-59
- f. Proof, Notice to Bidders, Bid No. 07-58
- g. Proof, Notice to Bidders, Bid No. 07-37R
- h. Proof, Notice to Bidders, Bid No. 07-63
- i. Proof, Notice of Meeting, Value Adjustment Board, Thursday, January 25, 2007 at 9:00 a.m.
- j. Proof, Notice to Bidders, Bid No. 07-15
- k. Proof, Notice of Meeting, St. Johns County Board of County Commissioners and St. Johns County School Board, Thursday, February 15, 2007 at 9:00 a.m. in Conference Room 1A of the County Permit Center
- l. Proof, Notice of Meeting, County Commission District 1 Town Meeting, Thursday, February 15, 2007 at 6:00pm at the County NW Annex Building
- m. Proof, Notice of Public Hearing, St. Johns County Board of County Commissioners, Land Development Code Ordinance Revisions, Tuesday, February 6, 2007 at 5:30 p.m. and Tuesday, February 20, 2007 at 9:00 a.m.
- n. Proof, Certificate of Liability Insurance, Adams Tractor and Landscaping
- o. Proof, Certificate of Liability Insurance, South East Personnel Leasing, Inc.
- p. Proof, Certificate of Liability Insurance, Hussmann Corporation
- q. Proof, Certificate of Liability Insurance, Matrix Employee Leasing, Inc.
- r. Proof, Certificate of Liability Insurance, Builders Services of North FL
- s. Proof, Certificate of Liability Insurance, Reynolds, Smith and Hills, Inc.
- t. Proof, Certificate of Liability Insurance, Selective HR Solutions, Inc.
- u. Proof, Certificate of Liability Insurance, Airgas Specialty Products, Inc.
- v. Proof, Certificate of Liability Insurance, Playstructure Services, Inc.
- w. Proof, Certificate of Liability Insurance, Nalco Company & Nalco Energy Services, L.P. Corp. Ins. & Risk Mgmt
- x. Proof, Certificate of Liability Insurance, Allied Universal Corp
- y. Proof, Certificate of Liability Insurance, Progressive Employer Services V, LLC
- z. Proof, Certificate of Liability Insurance, Herrington Industries, Inc.

(02/20/07 - 8 - 9:22 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Manuel requested to pull Item 6. Kropacek requested to pull Item 1, and to make Item 5 time certain for 1:30 p.m.

(02/20/07 - 8 - 9:24 a.m.)

APPROVAL OF REGULAR AGENDA

Motion by Sanchez, seconded by Manuel, carried 5/0, to approve the regular agenda as amended.

(02/20/07 - 8 - 9:24 a.m.)

1. PRESENTATION ON THE STATUS OF CR 210/US 1 INTERCHANGE PROJECT DEVELOPMENT AND ENVIRONMENTAL STUDY

This item was pulled from the agenda.

(02/20/07 - 8 - 9:24 a.m.)

2. PUBLIC HEARING - MAJMOD 2005-27, VERTICALITY AT PONTE VEDRA - THE MICKLERS LANDING PUD WAS CHANGED FROM PLANNED SPECIAL DEVELOPMENT (PSD) TO PLANNED UNIT DEVELOPMENT (PUD) BY ORDINANCE 2004-02. THERE HAS BEEN A MINOR MODIFICATION (MINMOD 2006-04) APPLICATION FILED TO REALLOCATE BUILDING

SQUARE FOOTAGE FROM ONE BUILDING INTO TWO BUILDINGS ON THE SITE. THIS WAS APPROVED ON JULY 18, 2006, BY THE PLANNING AND ZONING AGENCY (PZA) UNDER RESOLUTION 2006-05. THE MAJOR MODIFICATION PROPOSES TO AMEND THE PUD IN ORDER TO ALLOW A MAXIMUM 150' TALL STEALTH MONOPOLE TELECOMMUNICATIONS CO-LOCATION FACILITY WITH A SEPARATE 5 FOOT LIGHTNING ROD. THIS TOWER, ALONG WITH REQUIRED ACCESSORY STRUCTURES, WILL BE LOCATED NEAR THE NORTHERN PORTION OF THE PROPERTY AND ACROSS AN ACCESS DRIVE, WITHIN THE PARKING LOT FROM BUILDING 3. THE PLANNING AND ZONING AGENCY HEARD THIS ITEM DURING THE OCTOBER 19, 2006 HEARING. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS PROJECT, INCLUDING THE WAIVERS, FINDING THE PROPOSAL MEET SECTION 6.08.12.V, BY A VOTE OF 5/1. DISCUSSION DURING THE MEETING RAISED QUESTIONS OVER THE SCENIC HIGHWAY, NOTIFICATION PROCEDURES FOR ADJACENT PROPERTY OWNERS OUTSIDE OF THE NOTICE BOUNDARY, SAFETY ISSUES AND PROPERTY VALUES. THE RECOMMENDATION FOR APPROVAL IS BASED UPON THE SIX FINDINGS OF FACT PROVIDED, IN ADDITION TO A CONDITION THAT THE APPLICANT CONTACT ADJACENT PROPERTY OWNERS. IN ADDITION, THE PZA FOUND THE CELL TOWER IS NOT INTRUSIVE AND THE EVIDENCE INDICATES THIS LOCATION WOULD PROVIDE NEEDED COVERAGE

Proof of publication of notice of public hearing on MAJMOD 2005-27, Verticality, was received, having been published in *The St. Augustine Record* on February 5, 2007.

Cathy Upchurch, Court Reporter was present. James Whitehouse, Assistant County Attorney, entered the meeting.

Lindsay Haga, AICP, Chief Planner, reviewed this item and distributed an e-mail, Exhibit A.

(9:29 a.m.) Bryant stated when they started controlling the towers years ago, they encouraged collocation and asked if there were not any collocation points up there now where they could co-locate on another tower.

(9:30 a.m.) Jeff Henninger, ERS Corporation, replied that it was something they definitely reviewed, and encouraged, with all of the applications. Bryant asked if there were existing towers where they could co-locate now. Henninger responded that there were no suitable co-location towers available in this area. Discussion followed on the tower height, setback requirements, and study for location of towers.

(9:37 a.m.) Richard Maguire, 170 Malaga Street, representing Verticality, presented information concerning this item, Exhibits B and C. Discussion followed on coverage for all cell phone providers.

(9:46 a.m.) William Rand, 26 Ponte Vedra Circle, President of Verticality, spoke on the co-location of the site and the location of cell towers in relation to each other. He reviewed the locations of cell towers utilizing maps, Exhibit D. He spoke on the trees in the area and the height of the tower. McCormack mentioned that the Board may consider compatibility with a residential neighborhood, compatibility with the scenic highway and the height of the tower. He stated that the primary discussion should not be coverage, it should be compatibility, and then the height of the tower may be discussed in relation to that.

(10:09 a.m.) Justina Taylor, Verizon RF Engineer, introduced herself. Rich asked how far apart on the pole the RF field that was generated by each one of the transmission antennas needed to be in order to keep from interfering with each other. Taylor replied that they would like to have a ten foot vertical separation between the antennas for each carrier, and that they did not go lower than 100 feet. Stevenson disclosed exparte communication regarding discussions on the background of poles, fields and coverage. McCormack responded that the Federal Telecommunication Act required that they could not discriminate between providers. Discussion followed on towers and services being provided.

(10:21 a.m.) Rand gave a brief presentation, Exhibit E. He stated that there was a gap in service and mentioned how they came to know about this site.

The meeting recessed at 10:30 a.m., and reconvened at 10:41 a.m.

(10:41 a.m.) Rand described the tower's capacity and safety issue.

(10:44 a.m.) Howard Renforth, 144 Cross Tide Circle, Ponte Vedra Beach, spoke in opposition to the proposed antenna.

(10:48 a.m.) Clara Cowan, 244 Patrick Mill Circle, President of the Ponte Vedra Beaches Coalition, spoke in opposition to the proposed antenna, Exhibit F.

(10:53 a.m.) Ellen Whitmer, 1178 Natures Hammock Road South, Fruit Cove, spoke in opposition to the proposed antenna.

(10:54 a.m.) Marcy Silkebaken, 1145 Neck Road, spoke in opposition to the proposed antenna.

(10:56 a.m.) Christopher Maier, 3705 S. Forest Street, Orlando, Verizon Wireless Real Estate Department, spoke on the carriers in the area, and presented Verizon Wireless's view point, Exhibit G.

(10:59 a.m.) Jim McKelvey, 148 Seaside Circle, spoke in favor of this item, and on not getting service in his area and there being no service on the beach.

(11:01 a.m.) Doug Crane, 994 Ponte Vedra Blvd., spoke in favor of this item.

(11:02 a.m.) Hutch Stevens, 120 Cerello Court, spoke in opposition of this item.

(11:03 a.m.) Rich spoke on the effective range of a cell phone reaching the tower, with Maguire responding. Maguire gave his rebuttal. Rand mentioned receiving e-mails in favor of the cell tower, Exhibit H. Maguire spoke on providing a market study. Manuel stated that he thought there was service available, and voiced concern about the transactional nature of the towers. Discussion followed on producing evidence that this area was the only place to put the cell tower, it wasn't just for Verizon's needs, and there being evidence of a lack of service. McCormack explained the Board's responsibility. He stated that the Board may consider continuing this item for more information. Stevenson stated that she had not heard testimony that proved that this was the only site available. Manuel spoke on alternative looks, showing pictures on the overhead, Exhibit I. He stated that he would like to continue this item. Maguire mentioned that if it was the Board's decision to continue the matter to address some issues, he would like specific direction on what issues they should be addressing and how they should address them. Rich spoke on the issue of this particular tower. Rich recommended for Manuel to check into the compatibility issues of this particular tower,

what could be done to make it more aesthetically appealing, and to look at the overall planning for what the telecommunication companies had for the entire St. Johns County area for the future. McCormack stated that every applicant was entitled to due process and deserved a decision within a fair amount of time. He stated that his opinion was that the Board needed more information to decide to approve or disapprove this application, if there was a bona fide need for more information, then the Board may continue the item. He stated that there were some time lines in the Florida Statute pertaining to cell towers to consider. He asked Maguire if they would accept the continuation. Maguire agreed to a sixty day or less continuation. (11:44 a.m.) **Motion by Bryant, seconded by Manuel, carried 5/0, to continue this item to a time uncertain in the future with waiver of any advertising fees that the applicant would encumber.** Whitehouse left the meeting and Laura Barrow, Assistant County Attorney, entered the meeting.

(02/20/07 - 11 - 11:46 a.m.)

3. PUBLIC HEARING - BEACH CODE ORDINANCE - THIS IS THE FIRST OF TWO PUBLIC HEARINGS CONSOLIDATING ALL PREVIOUS REVISIONS TO COUNTY ORDINANCE 97-34 (THE ST. JOHNS COUNTY BEACH CODE). PROPOSED CHANGES INCLUDE REQUIREMENTS FROM THE U.S. FISH AND WILDLIFE SERVICE TO AMEND COUNTY ORDINANCES TO COMPLY WITH THE HABITAT CONSERVATION PLAN AND INCIDENTAL TAKE PERMIT THAT WAS APPROVED BY THE U.S. FISH AND WILDLIFE SERVICE AND ISSUED TO ST. JOHNS COUNTY IN AUGUST 2006

Proof of publication of the notice of public hearing on the Beach Code was received, having been published in *The St. Augustine Record* on January 27, 2007.

Dave Williams, Beach Operations Chief, gave a presentation on the Habitat Conservation Plan, including mitigation/minimization measures, the beach code, previous revisions, HCP Ordinance amendments, other changes and implementation, Exhibit A. Bryant asked him to bring a presentation to the Board on the parking lot idea on the beach, instead of through driving from one end of the beach to the other. Manuel stated that Williams was going to have to prioritize his budget. Stevenson spoke on beach conditions.

(12:09 p.m.) Jennifer Kaplan, 3161 La Reserve Drive, spoke on riding horses on the beach.

(12:10 p.m.) Patty Peters, 2002 Palmetto Point Drive, spoke on making the sea turtle nests more visible and riding horses on the beach.

(12:11 p.m.) Ellen O'Brien, 102 Lands End, spoke on horseback riding on the beach.

(12:15 p.m.) Pam Murphy, 1005 20 Mile Road, voiced concern regarding permits to ride horses on the beach.

(12:17 p.m.) Williams explained the permitting of horses and indicated their intent. McCormack clarified that the permits for the beach came out of the Federal comments pertaining to the Habitat Conservation Plan. Rich announced that the next public hearing was scheduled for March 6, 2007 at 5:30 p.m.

The meeting recessed at 12:22 p.m. and reconvened at 1:36 p.m., with all five Commissioners, Deputy Clerk Halterman, and Attorneys McCormack and Hunt present.

The meeting moved to Item #5.

(02/20/07 - 12 - 1:49 p.m.)

4. CONSIDER MOTION TO AUTHORIZE THE COUNTY ADMINISTRATOR, OR HIS DESIGNEE, TO NEGOTIATE WITH AND ENTER INTO CONTRACT WITH THE NO 1 RANKED FIRM, PIERCE MANUFACTURING INC., FOR A PERIOD OF FIVE (5) YEARS WITH AN ADDITIONAL (5) YEAR RENEWAL OPTION FOR RFP 07-53, FIRE APPARATUS AND SPECIAL APPLICATION VEHICLES.

Joe Burch, Purchasing Manager, spoke on the RFP 07-53 concerning fire apparatus and special application vehicles such as engines, pumper trucks, aerial platforms, aerial ladders and light, medium and heavy rescues, etc. He advised that the recommendation was to allow staff to negotiate a contract with Pierce Manufacturing, who had been ranked first. Rich asked for clarification in regards to the 3 percent overhead cost. Burch advised that the 3 percent service fee would be given to 10-8 Dealership in Florida who represented Pierce Manufacturing. He noted that the project would cost approximately \$7 million dollars over five years.

(1:52 p.m.) Motion by Stevenson, seconded by Manuel, carried 5/0, to negotiate and enter into a contract with Pierce Manufacturing, Inc. for a period of five years for fire apparatus and special application vehicles.

(1:53 p.m.) In response to an inquiry by Rich, Burch advised that the county had retained a five-year option on the contract.

The meeting continued to Item #7 (Item #6 was pulled).

(02/20/07 - 12 -1:36 p.m.)

5. CONSIDER MOTION TO ADOPT A RESOLUTION TO ENTER INTO A CONTRIBUTION AGREEMENT TO SET FORTH THE TERMS AND CONDITIONS UPON WHICH COLLINS HAS AGREED TO CONTRIBUTE THE UTILITY LAND PROPERTY TO THE COUNTY IN EXCHANGE FOR THE UPGRADE OF WATER AND SEWER TRANSMISSION LINES AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT ON BEHALF OF ST. JOHNS COUNTY; PROVIDING FOR AN EFFECTIVE DATE.

Neal Shinkre, Utility Engineering Manager, explained the CR 13 central sewer line and booster station for the corridor. He noted that after review of the area it was determined that the development needed larger sewer and water lines. He said the county would install and upgrade the systems from Joe Ashton Road to Heritage Landing Parkway; however, the developer would be required to continue from that point up to International Golf Parkway to the main connectors. He described that the estimated upgrading cost was \$400,000.00 along with the process of the upgrades for the area. He said the acquisition of the two acre site was a core element for the county in order to locate the booster stations near major highways. He advised that the present status involved a pending permit from the Florida Department of Environmental Protection agency. He noted that Collins would provide a two acre site to the county and in exchange the county would upgrade the mains on CR 13.

(1:45 p.m.) Stevenson questioned whether the capital improvements elements for the county would be accelerated due to the site exchange with Collins. Shinkre said the improvements had already been approved prior to the Wells Farm project approval; although the improvement size would increase. He explained that the county was not

currently aware of further developments in the southern area of Joe Ashton Road. In response to an inquiry, he advised that directional drilling underneath Six Mile Creek would be standard procedure.

(1:48 p.m.) **Motion by Rich, seconded by Manuel, carried 5/0, to approve Resolution No. 2007-62.**

RESOLUTION 2007- 62

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AND J. DANIEL COLLINS AND ASSIGNS, AN INDIVIDUAL ("COLLINS"), TO ENTER INTO A CONTRIBUTION AGREEMENT TO SET FORTH THE TERMS AND CONDITIONS UPON WHICH COLLINS HAS AGREED TO CONTRIBUTE THE UTILITY LAND PROPERTY TO THE COUNTY IN EXCHANGE FOR THE UPGRADE OF WATER AND SEWER TRANSMISSION LINES AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT ON BEHALF OF ST. JOHNS COUNTY; PROVIDING FOR AN EFFECTIVE DATE

The meeting returned to Item #4.

(02/20/07 - 13 - 9:22 a.m.)

6. DISCUSSION CONCERNING THE UNITED STATES CROQUET ASSOCIATION.

This item was pulled from the agenda.

(02/20/07 - 13 - 1:55 p.m.)

7. INFORMATIONAL REPORT ON AMPHITHEATRES IN THE SOUTHEAST.

Sanchez pointed out the participants involved in the visits and submitted report which included Tommy Bledsoe, Bill Parker, Bill Leary, Phil McDaniel and Melissa Kauttu. Bledsoe gave a Power Point presentation of the research findings in regards to amphitheatres in the southeast area. He advised that they had visited numerous sites including Silver Springs, Miami, Pompano Beach, Boca Raton, Peach Tree City, Georgia, and Atlanta, Georgia. He continued with his detailed presentation and said they were aware of the competition involved with amphitheatres and noted that debt service on most facilities was not covered through events.

(2:28 p.m.) Sanchez said the issue would be placed on the agenda in the near future in order for him to present a proposal to the board.

(2:30 p.m.) In response to an inquiry from Bryant, Sanchez said entertainment was different with each show and amphitheatre. Bledsoe advised that most shows were not cancelled and very little no-shows were experienced. Bryant asked that a three and five-year Proforma be presented at the next meeting. Sanchez affirmed that he would include that data. Bryant asked Bruce Lucker to approach the podium; however, Sanchez suggested that Lucker might have an unfair advantage over the other companies by being allowed to speak to the board that day. Bryant advised that a commissioner was allowed to call anyone to the podium to address the board.

(2:35 p.m.) Bruce Lucker, 545 Granada Terrace, pointed out that the current board had awarded the contract to manage the venue twice. He noted that they had negotiated with the county for over five months and had produced a fifty-two page document but had been asked by the board to suspend the negotiations in November 2006. He said his company had been the forefront bidder until that time. He stated that the local venue would probably cover debt service by the fourth year. He asked that the board offer the same judicial considerations to all parties involved.

(2:43 p.m.) Stevenson noted that appropriate procedures should be made clear upfront to avoid embarrassing situations. Sanchez said the board needed to decide how the amphitheatre would be managed in the future. He suggested that an advisory committee should be implemented for review of the amphitheatre. He pointed out that St. Augustine was located 30 minutes from Jacksonville and 45 minutes from Daytona which offered a good location to be competitive.

(02/20/07 - 14 - 2:48 p.m.)

8. PUBLIC HEARING - LAND DEVELOPMENT CODE AMENDMENTS - THIS IS THE SECOND OF TWO REQUIRED PUBLIC HEARINGS TO CONSIDER AMENDMENTS TO THE LAND DEVELOPMENT CODE. SPECIFICALLY, AMENDMENTS TO ARTICLE VI AND ARTICLE XII. THE ATTACHED ORDINANCE IS PROVIDED IN STRIKETHROUGH AND UNDERLINE FORMAT TO HIGHLIGHT THE PROPOSED CHANGES

Proof of publication of notice of public hearing on Land Development Code amendments, was received having been published in the *St. Augustine Record* on February 12, 2007.

Betty Sue Stepp, AICP, Growth Management Services Project Liaison, explained the project to the board and noted that they were on the second required public hearing. Manuel suggested that the process was extremely detailed and asked for only the most recent changes which Stepp offered to the board. McCormack advised that the county was currently in litigation regarding the process for road name changes.

(2:53 p.m.) **Motion by Rich, seconded by Sanchez, carried 4/1 with Manuel dissenting, to approve Ordinance No. 2007-9.**

ORDINANCE NO. 2007-9

AN ORDINANCE OF ST. JOHNS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, AMENDING AND SUPPLEMENTING, ADDING AND REPEALING SECTIONS OF ARTICLE VI - DESIGN STANDARDS AND IMPROVEMENT REQUIREMENTS AND ARTICLE XII DEFINITIONS OF THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE AS ADOPTED BY ORDINANCE 00-51, AS PREVIOUSLY AMENDED; THIS ORDINANCE MAKES CHANGES INCLUDING AND RELATING TO: AMENDING SUBSECTION 6.02.03 PERTAINING TO STREET ROADWAYS, DRAINAGE, AND UTILITY STANDARDS; AMENDING PART 6.06 LANDSCAPING AND BUFFERING REQUIREMENTS AND SUPPLEMENTING PART 12.01.00 RELATING TO DEFINITIONS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE, REPEALING AND REPLACING ORDINANCE NO. 86-65;

**RESOLUTION 92-65; RESOLUTION 86-169 AND
RESOLUTION 96-21**

The meeting recessed at 2:54 p.m. and reconvened at 3:05 p.m.

(02/20/07 - 15 - 3:05 p.m.)

9. PUBLIC HEARING - REZ 2006-15 BIG OAK CENTER - THIS IS A REQUEST TO REZONE 0.95 ACRES FROM OPEN RURAL TO COMMERCIAL INTENSIVE (CI) TO CONSTRUCT A 7,000 SQUARE FOOT BUILDING CONSISTING OF SEVEN (7) 1,000 SQUARE FOOT UNITS THAT CONTAIN APPROXIMATELY 850 SQUARE FEET OF STORAGE AND 150 SQUARE FEET OF OFFICE IN EACH INDIVIDUAL UNIT. THE PROPERTY IS OCCUPIED BY AN UNOCCUPIED MOBILE HOME. THE PARCEL IS LOCATED ON BIG OAK ROAD WITHIN THE AIRPORT DISTRICT LAND USE AS DEPICTED ON THE 2015 FUTURE LAND USE MAP. WATER AND SEWER WILL BE PROVIDED BY THE CITY OF ST. AUGUSTINE (REFER TO ATTACHED LETTER). ADJACENT ZONINGS ARE OPEN RURAL, AIRPORT DISTRICT AND INDUSTRIAL WAREHOUSE. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REZONING REQUEST AT THEIR NOVEMBER 16, 2006 HEARING BY A VOTE OF 7/0. DISCUSSION DURING THE PZA HEARING ADDRESSED THE COMMENTS PROVIDED BY THE AIRPORT AUTHORITY AND FUNDING FOR THE PROPOSED RUNWAY EXPANSION LOCATED WEST OF US 1

Proof of publication of notice of public hearing on Rezoning 2006-15 Big Oak Center, was received having been published in the *St. Augustine Record* on February 5, 2007.

Lindsay Haga, AICP, Chief Planner, explained details of the project to the board.

(3:09 p.m.) Rich pointed out that a future runway was proposed for the subject property and questioned why someone would build a structure in a residential area and at a location proposed as a runway by the Airport Authority. He pointed out that the Airport Authority had previously asserted eminent domain on residential property and asked why staff would support such a proposal. Haga explained that the issue had been thoroughly discussed during the PZA meeting. She noted that the proposed runway might not be feasible in the future and the Airport Authority had not specified when the runway might be constructed. She added that the proposed building would be located 750 feet away from the proposed runway. Rich suggested that the only way the runway would come to fruition was through funding from the Federal Government. He said he remained concerned about the project. Stevenson asked whether staff had received complaints about the project from surrounding residents. She said after communications between her and the developers' attorney, she was under the impression that the project would not be in direct conflict with the runway plans. Haga affirmed that the conflict would not involve the location; however, noise might be a factor with the proposed use. She said an occupied mobile home was currently on the subject property. In response to an inquiry from Stevenson, Haga advised that no follow-up letter had been received from the Airport Authority; however, staff had met with the Airport Authority to explain details of the Land Development Code.

(3:19 p.m.) Isabelle Lopez, representative for Lewis, Longman and Walker, 245 Riverside Avenue, explained that discussions had occurred with the developer and the Airport Authority did not currently object to the proposal. She said the use involved low-impact commercial with 7,000 square feet divided into 7 professional offices. Rich noted that the area was residential and no commercial currently existed in the area. Lopez pointed out the numerous zoning categories in the surrounding area. Rich said

he was concerned with the transition from Airport District to residential and spot-zoning. Lopez stated that residential was not intended to be in the Airport District as indicated in the Future Land Use map. Rich reiterated that CI zoning was not appropriate in a residential area. Lopez argued that the subject site would not be located in the middle of a runway. She suggested that the CI zoning would be most beneficial for an airport area. Rich pointed out that the subject site was zoned OR located next to residential. He stated that the proposed use would not be compatible with the surrounding area and neighborhood. Lopez advised that the developer had a design plan which did not include speculative space.

(3:33 p.m.) **Motion by Manuel, seconded by Bryant, carried 4/1 with Rich dissenting, to approve Ordinance 2007-10.**

ORDINANCE NO. 2007-10

AN ORDINANCE OF THE COUNTY OF ST. JOHNS COUNTY, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF OPEN RURAL (OR) TO COMMERCIAL INTENSIVE (CI) MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

In response to an inquiry from Stevenson, Haga said one complaint from an Avenue D property owner had been received regarding encroachment into a residential area which Rich read into the record.

(02/20/07 - 16 - 3:36 p.m.)

10. PUBLIC HEARING - PUD 2006-01 FERBER/SR 16 - THIS REQUEST SEEKS TO REZONE APPROXIMATELY 33.24 ACRES FROM OPEN RURAL (OR) TO PLANNED UNIT DEVELOPMENT (PUD) IN ORDER TO DEVELOP A RESIDENTIAL COMMUNITY OF UP TO 300 CONDOMINIUM/APARTMENT UNITS AND 40,000 SQUARE FEET OF SHOPPING CENTER SPACE. THE PROJECT IS PROPOSING ONE ACCESS POINT OFF OF FOUR MILE ROAD AND UPON FDOT APPROVAL MAY PROPOSE UP TO TWO ACCESS POINTS OFF OF STATE ROAD 16. THE SITE IS LOCATED SOUTH OF STATE ROAD 16 AND NORTHEAST OF FOUR MILE ROAD. A MINIMUM OF FIVE FOOT WIDE SIDEWALK SHALL BE PROVIDED THREE FEET INSIDE OF THE COUNTY RIGHT-OF-WAY ALONG FOUR MILE ROAD. COMMERCIAL AREAS SHALL HAVE INTERNAL SIDEWALKS LOCATED ON BOTH SIDES OF THE ACCESS ROADS. AN INTERNAL SIDE WALK WILL BE PROVIDED AROUND ALL PARKING AREAS AND ON ONE SIDE OF INTERNAL ROADS WITHIN THE RESIDENTIAL AREAS. THE MAXIMUM FLOOR AREA RATIO (FAR) AND IMPERVIOUS SURFACE RATIO (ISR) FOR COMMERCIAL PARCELS SHALL BE 50% AND 70% RESPECTIVELY. THE MAXIMUM FAR AND ISR FOR RESIDENTIAL AREAS WILL BE 40%. THERE SHALL BE NO MINIMUM LOT WIDTH FOR THE MULTI-FAMILY RESIDENTIAL BUILDINGS. MAXIMUM RESIDENTIAL AND COMMERCIAL BUILDING HEIGHT WILL NOT EXCEED FORTY (40) FEET. A MINIMUM OF TWENTY-FIVE (25%) PERCENT OF THE PROJECT SHALL BE OPEN SPACE. CENTRAL WATER AND SEWER WILL BE PROVIDED BY THE ST. JOHNS COUNTY UTILITY DEPARTMENT. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REZONING AT THEIR NOVEMBER 2ND, 2006 MEETING BY A VOTE OF 6/0

Proof of publication of notice of public hearing on PUD 2006-01 Ferber/SR 16, was received having been published in the *St. Augustine Record* on February 5, 2007.

Michael Blackford, Planner II, offered details of the project. He noted that staff had received two waiver requests by the developer. Stevenson said she had met with the developer's representative on the project.

(3:40 p.m.) Gary Davenport, 5378 4th Street, representative for SR 312 Associates, offered a detailed presentation to the board regarding the proposed project. Rich questioned whether the developer planned to advise potential residents of the extension. Davenport affirmed that they would disclose information of the SR 312 extension to potential residents. Manuel, Rich and Sanchez disclosed ex-parte communications with Davenport. Manuel suggested that Davenport talk with the property owner in regards to creating an all commercial site. He read a letter from residents James and Linda Coleman, 19219 Four Mile Road, into the record who noted opposition to the application. Rich specified that he remained concerned with the residential density. Manuel asked the applicant if he had spoken with the owner in regards to developing the site as exclusively commercial. Davenport advised that the property owner had originally proposed a commercial project and he would be willing to reconsider such development if the board desired. He noted that the site size would allow for approximately 95,000 square feet of commercial.

(3:54 p.m.) **Motion by Manuel, seconded by Sanchez.** Rich questioned whether the project could be approved that day or if it was necessary to return the project to the Planning and Zoning Agency for review. Whitehouse advised that the project would need to be reviewed by the PZA for recommendation to the board.

(3:56 p.m.) **Manuel and Sanchez withdrew the motion and second.** On advice by McCormack, **consensus of the board was to remand the application to the PZA with the fees waived.**

The meeting recessed at 3:57 p.m. and reconvened at 4:07 p.m.

(02/20/07 - 17 - 4:07 p.m.)

11. PUBLIC HEARING - PUD 2005-30 LIGHTSEY ROAD APARTMENTS PLANNED UNIT DEVELOPMENT - THIS REQUEST SEEKS TO REZONE APPROXIMATELY 25.21 ACRES FROM OPEN RURAL (OR) TO PLANNED UNIT DEVELOPMENT (PUD) IN ORDER TO CONSTRUCT UP TO 264 MULTI-FAMILY UNITS AND 25,000 SQUARE FEET OF COMMERCIAL. ALLOWED COMMERCIAL USES WILL BE CONSISTENT WITH COMMERCIAL GENERAL ZONING. THE SITE IS LOCATED BY THE INTERSECTION OF SR 207 AND LIGHTSEY RD. THE MASTER DEVELOPMENT PLAN PROPOSES TWO ACCESS POINTS ON SR 207 FOR THE RESIDENTIAL PORTION OF THE PROJECT. THE COMMERCIAL PORTION OF THE PROJECT WILL HAVE ONE ACCESS ON SR 207 AND ONE ACCESS ON LIGHTSEY RD. THERE WILL BE A FOUR FOOT INTERNAL SIDEWALK AND A FIVE FOOT SIDEWALK ALONG LIGHTSEY RD AND SR 207. A 10 FOOT PERIMETER BUFFER IS PROVIDED AROUND THE PERIMETER OF BOTH THE RESIDENTIAL AND COMMERCIAL PORTIONS OF THE PROJECT. THERE WILL BE A MINIMUM OF 25% OPEN SPACE OR 6.34 ACRES. OPEN SPACE TOTALS INCLUDE WETLANDS, PERIMETER BUFFERS AND RECREATION. 3.22 ACRES HAVE BEEN SET ASIDE FOR RECREATION. AMENITIES PROVIDED INCLUDE A POOL, FITNESS PATH, PLAY GROUND AND CLUBHOUSE. CENTRAL WATER AND SEWER WILL BE PROVIDED BY ST. JOHNS COUNTY UTILITIES. THE PROJECT WILL BE DEVELOPED IN TWO

PHASES WITH THE FIRST PHASE CONSISTING OF 264 UNITS AND PHASE TWO CONSISTING OF 25,000 SQUARE FEET OF COMMERCIAL. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REZONING REQUEST AT THEIR DECEMBER 7, 2006 HEARING BY A VOTE OF 4/3. OPPOSITION TO THIS REQUEST CENTERED ON THE PROPOSED BUILDING HEIGHT OF 41 FEET AND THE LACK OF GUEST PARKING

Proof of publication of notice of public hearing on PUD 2005-30 Lightsey Road Apartments, was received having been published in the *St. Augustine Record* on February 5, 2007.

Michael Blackford, Planner II, explained details of the project to the board.

(4:10 p.m.) In response to an inquiry from Stevenson, Blackford noted that the subject site was currently zoned Open Rural for non-residential uses which did not have a maximum height limitation unless it was located in a coastal or airport district area. Rich asked for lot size on properties located west of the development. Blackford stated that the lots would measure approximately an acre in size. Rich pointed out that the subject area was open with large residential lots. He questioned how the proposed density would be consistent with the current land use in the area.

(4:15 p.m.) Deputy Clerk Lenora Newsome entered the meeting and Deputy Clerk Pam Halterman left the meeting.

E-mails were distributed, Exhibit A.

Blackford spoke on the height limit of the apartments.

(4:18 p.m.) Doug Burnett, 170 Malaga Street, introduced the team with him and spoke on the height and concurrency of the apartment development.

(4:29 p.m.) John Zeledon, 1525 Wilbar Circle, Winter Park, Florida, spoke on parking, distributing research notes, Exhibit B, and a comparative parking study, Exhibit C. Burnett reviewed the access points. Manuel spoke on transportation issues. Burnett spoke on improvements being bonded and concurrency.

(4:54 p.m.) Harry Waldron, 118 Colon Avenue, spoke in favor of this item.

(5:02 p.m.) Michelle Wamser, 100 San Jan Street Ext., voiced her concerns regarding fencing.

(5:06 p.m.) Ken Forrester, 997 Oxford Drive, spoke in favor of this item.

(5:08 p.m.) William Strate, 109 Autumn Place/1420 SR 207, spoke on owning a business in the area.

(5:14 p.m.) Bill Schilling, Jr., 8657 Baypine Road, Jacksonville, spoke on the CR 207 Study, and stated that the applicant went through a very extensive review process. Burnett spoke on check and balances and remarked on the comments made by the public. Manuel commented that he did not find the arguments compelling, that he voted consistently against projects at the Hydro Aluminum plant that would impede and basically force them to relocate, and voiced concerns about need and public safety.

(5:22 p.m.) **Motion by Manuel, seconded by Rich, to deny rezoning application PUD 2005-30, Lightsey Road Apartments PUD, adopting his previous comments.** Stevenson spoke on compatibility of commercial and need. Manuel mentioned

incorporating into the motion parts of the Comp Plan that this item was not in compliance with, Sections A.1.3.12, A.1.13.1, and A.1.3.12.1, with the second agreeing. The motion carried 3/2 with Bryant and Stevenson dissenting. Burnett asked if they were incompatible with the industrial or residential. Rich stated that he thought that they were incompatible with both. McCormack asked Burnett if he was asking to have this item remanded back to the PZA to consider it fully commercial. Bryant stated that one of the affirmative votes could waive the one-year waiting period to give them time to decide what they wanted to do, and if they decided to remit, they would not have to wait the year. McCormack stated that at the Board's election, if this did come back with a one-year waiver, it could come back as a reapplication or could be as one of the earlier applications. (5:35 p.m.) **Motion by Manuel, seconded by Rich, carried 5/0, to waive the one-year waiting period.**

(02/20/07 - 19 - 5:36 p.m.)
COMMISSIONERS' REPORTS

Commissioner Stevenson:

Stevenson asked to have a workshop to discuss what they desired regarding not approving any up-zonings or re-zonings that had to do with increasing the density and intensity of residential, so that Staff had a concept of what they wanted. Rich stated that the county attorney, in his opinion, needed to prepare a set of findings of fact for denial and the density and intensity issues needed to be addressed in those set findings of fact. McCormack stated that Stevenson was saying that if that was to be the philosophy with each one that came in, and the Board was going to promote commercial and not residential, then the Board needed to look at sending the signal out more universally by a blanket message, instead of one at a time when applicants come up. Stevenson stated that she needed to better understand how to achieve mixed use in a mixed use district.

Commissioner Manuel:

(5:41 p.m.) Manuel spoke on having, as an agenda item, moratoriums on residential development until school concurrency was finalized.

Manuel stated that he would like to schedule a workshop to discuss increasing the bed tax an additional one percent.

Manuel stated that he would like to chair, with the chairman's permission, a sunset committee to review all County ordinances to see if they were still current. Bryant recommended for Manuel to check on what had already been done first. (5:43 p.m.) *It was a consensus of the Board for Manuel to review all County ordinances to see if they were still current.*

Commissioner Bryant:

No report.

Bryant left the meeting.

Commissioner Rich:

No report.

The meeting moved to the County Attorney's Report.

(02/20/07 - 19 - 5:45 p.m.)
COUNTY ADMINISTRATOR'S REPORT

Kropacek stated that they were going back to the 10 day requirement to get agenda items in and PZA had requested one week for their agenda. He stated that he had already talked to the county attorney and that they would implement what the Board requested on reasons to approve and reasons for denial. Sanchez asked if his request on the agenda for the amphitheater could be moved to four weeks away instead of two. Kropacek replied yes.

The meeting adjourned.

(02/20/07 - 20 - 5:44 p.m.)

COUNTY ATTORNEY'S REPORT

McCormack stated that the Intercoastal Utilities' appraisal was not yet completed because the engineer's report was not completed.

(02/20/07 - 20 - 5:46 p.m.)

CLERK OF COURT'S REPORT

No report.

Motion by Sanchez, seconded by Manuel, carried 4/0 with Bryant absent, to adjourn the meeting. With there being no further business to come before the Board, the meeting adjourned at 5:46 p.m.

REPORTS:

1. St. Johns County Board of County Commissioners Check Register, Check No. 396753 through 397059, totaling \$ 4,894,200.96 (01/30/07)
2. St. Johns County Board of County Commissioners Check Register, Check No. 397087 through 397092, totaling \$ 174,931.51 (02/01/07)
3. St. Johns County Board of County Commissioners Check Register, Check No. 397060 through 397085, totaling \$ 39,940.05 (02/01/07)
4. St. Johns County Board of County Commissioners Check Register, Check No. 397093 through 397360, totaling \$ 3,131,023.25
5. St. Johns County Board of County Commissioners Check Register, Check No. 397361 through 397376, totaling \$ 80,413.70 (02/07/07)
6. St. Johns County Board of County Commissioners Check Register, Check No. 397377 through 397379, totaling \$ 96.00

CORRESPONDENCE:

1. Letter to the Secretary of State, filing Ordinance Nos. 2007-6 through 2007-8 (02/09/07)

Approved _____ March 20 _____, 2007

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Ben Rich
Ben Rich, Chairman

ATTEST: CHERYL STRICKLAND, CLERK

By: Yvonne King
Deputy Clerk